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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,030	03/25/2004	Lori Greiner	47636.39.2	5806

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/809,030	Applicant(s) GREINER, LORI	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-41,52-56,76-79,81,87-91 and 98-113 is/are pending in the application.
- 4a) Of the above claim(s) 15,16 and 52-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-14, 17-41, 76-79, 81, 87-91, 98-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-2, 6, 10, 12, 17-19, 22, 25, 27, 89, 90, 98-107, 109-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,681,100 to Powell in view of USP 947,640 to Jefferson.

Powell discloses a jewelry storage system for storing and allowing access to and removal of jewelry pieces, comprising all the elements recited in the above listed claims, including, such as shown in Figs 3-6: a jewelry cabinet defining an interior space, the

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jewelry cabinet comprising: a box frame including a top wall, bottom wall, two sidewalls and a back wall; a door connected to the box frame wherein the door extends substantially from the top wall to the bottom wall; and a plurality of jewelry storage elements attached within the interior space; and a stand configured to receive the jewelry cabinet to hold the jewelry cabinet in an upright position so that the back wall of the jewelry cabinet forms an angle α from the horizontal, a mirror attached to an exterior surface of the door, an angle adjusting element configured to determine the angle θ of the jewelry cabinet between about 60 and 90 degrees, wherein the angle adjusting element is a peg 80 and opening system configured so that when the peg is placed into an opening 66 in one of the jewelry cabinet or stand, the peg holds the jewelry cabinet at the angle, the plurality of jewelry storage elements includes a hook bar 44, a bracelet bar 46 and a plurality of shelves 42, pouches attached to one of an interior surface of the box frame and the door. The different being that Powell does not disclose at least one of the two sidewalls including an opening, and a peg adapted to be placed in the opening in the cabinet sidewall such that the peg extends from the sidewall to rest against an outer surface of the stand and thereby hold the cabinet at an angle less than approximately 90 degrees.

Jefferson teaches an alternate idea of providing a storage system comprising a frame having at least one of the two sidewalls including an opening, and a peg 12 adapted to be placed in the opening in the cabinet sidewall such that the peg extends from the sidewall to rest against an outer surface of the stand and thereby hold the cabinet at an angle less than approximately 90 degrees, such as shown in Fig 3.

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Therefore, it would have been obvious to modify the structure of Powell by providing the side walls with an opening, and a peg adapted to be placed in the opening in the cabinet sidewall such that the peg extends from the sidewall to rest against an outer surface of the stand and thereby hold the cabinet at an angle less than approximately 90 degrees, as taught by Jefferson, since both teach alternate conventional display stand having angle adjustment capability, thereby providing structure as claimed. In regard to the limitation in claim 17 of the stand including an inside surface adjacent one of the two sides of the frame and a peg extending from the inside surface of the stand to contact an outside surface of the frame, the examiner takes the position that since Powell, as modified by Jefferson, teaches the peg extending from a side of the cabinet such that the peg extends from the sidewall to rest against an outer surface of the stand and thereby hold the cabinet at an angle less than approximately 90 degrees, it would have been obvious to modify the opening and peg of Powell, such that the stand including an inside surface adjacent one of the two sides of the frame and a peg extending from the inside surface of the stand to contact an outside surface of the frame, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art, *In re Einstein*, 8 USPQ 167. Further, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation by only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

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5. Claims 7-8, 13-14, 21, 23, 26, 28-29, 87, and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell, as modified, discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated within the jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the plurality of shelves further include movable dividers that divide a top surface of the shelves, (4) the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, (5) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry

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storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the plurality of shelves further include movable dividers that divide a top surface of the shelves, the examiner takes the Official position that it is well known in the art to provide a shelf with movable dividers therein in order to provide various size receptacles for holding articles of different sizes. In regard to the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, it would have been obvious and well within the level of one skill in the art to provide such pouches in order to prevent accidental damage to a lengthy piece of jewelry.

6. Claims 30-32, 34-41, 78, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated within the

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jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the plurality of shelves further include movable dividers that divide a top surface of the shelves, (4) the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, (5) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the

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capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the plurality of shelves further include movable dividers that divide a top surface of the shelves, the examiner takes the Official position that it is well known in the art to provide a shelf with movable dividers therein in order to provide various size receptacles for holding articles of different sizes. In regard to the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, it would have been obvious and well within the level of one skill in the art to provide such pouches in order to prevent accidental damage to a lengthy piece of jewelry. In regard to the storage elements including a mounting element having a rear side containing at least one attachment device for removable attachment anywhere along a length of the attachment strip, the examiner takes the position that it would have been obvious to one skill in the art in view of Powell, as modified, to provide such mounting element in order to allow easy rearrangement of elements within the jewelry storage system.

7. Claims 9, 24, 33, 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claims 1, 17, 30, and 42 above, and further in view of USP 4,282,975 to Ovadia.

Powell, as modified, discloses all the elements as discussed above except for the bracelet bar being removably attached to the interior surface of the door by at least one magnet, and the ring storage element having a plurality of slits.

Ovadia teaches that it is well known in the art to provide a plurality of jewelry storage elements with magnets and a ring storage element having a plurality of slits in order to allow the jewelry storage elements to be used in more creative presentations. Therefore, it would have been obvious to modify the structure of Powell, as modified, by having the bracelet bar being removably attached to the interior surface of the door by at least one magnet and a ring storage element having a plurality of slits in order to allow the jewelry storage elements to be used in more creative presentations, as taught by Ovadia, since both teach alternate conventional jewelry storage elements, used for the same intended purpose, thereby providing structure as claimed.

8. Claims 76-77, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of WO 99/00005 to Greiner.

Powell discloses a jewelry storage system for storing and allowing access to and removal of jewelry pieces, comprising all the elements recited in the above listed claims, including, such as shown in Figs 3-6: a jewelry cabinet defining an interior space, the jewelry cabinet comprising: a box frame including a top wall, bottom wall, two sidewalls and a back wall; a door connected to the box frame wherein the door extends substantially from the top wall to the bottom wall; and a plurality of jewelry storage elements attached within the interior space; and a stand configured to receive the jewelry cabinet to hold the jewelry cabinet in an upright position so that the back wall of

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the jewelry cabinet forms an angle α from the horizontal, a mirror attached to an exterior surface of the door, an angle adjusting element configured to determine the angle θ of the jewelry cabinet between about 60 and 90 degrees, wherein the angle adjusting element is a peg 80 and opening system configured so that when the peg is placed into an opening 66 in one of the jewelry cabinet or stand, the peg holds the jewelry cabinet at the angle, the plurality of jewelry storage elements includes a hook bar 44, a bracelet bar 46 and a plurality of shelves 42, pouches attached to one of an interior surface of the box frame and the door. The different being that Powell does not disclose at least one of the two sidewalls including an opening, and a peg adapted to be placed in the opening in the cabinet sidewall such that the peg extends from the sidewall to rest against an outer surface of the stand and thereby hold the cabinet at an angle less than approximately 90 degrees.

Powell discloses all the elements as discussed above except for the mounting element is attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar.

Greiner teaches the idea of a jewelry storage cabinet comprising a bracelet bar 200 attached thereto, wherein the mounting element is attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar. Therefore, it would have been obvious to modify the structure of Powell by having the mounting element being attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar, as taught by Greiner, since both teach alternate

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conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed.

9. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claims 42, 57 above, and further in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell, as modified, discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated within the jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the plurality of shelves further include movable dividers that divide a top surface of the shelves, (4) the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, (5) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of

openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the plurality of shelves further include movable dividers that divide a top surface of the shelves, the examiner takes the Official position that it is well known in the art to provide a shelf with movable dividers therein in order to provide various size receptacles for holding articles of different sizes. In regard to the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, it would have been obvious and well within the level of one skill in the art to provide such pouches in order to prevent accidental damage to a lengthy piece of jewelry.

Response to Arguments

10. In response to applicant's argument that Jefferson does not shows the claimed limitations, the test for obviousness is not whether the features of a secondary reference

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may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

11. In response to applicant's arguments on page 15 regarding claims 1 and 17 of "adapted to" and "configured" to perform a function, please refers to the art rejection in paragraph #4 above.

12. Applicant's arguments with respect to the attachment device of claim 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT

April 2, 2007



Hanh V. Tran
Art Unit 3637